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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LUONG, VINH

ART UNIT	PAPER NUMBER
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3682

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/510,423	Applicant(s) TERRADAS ET AL.	
	Examiner Vinh T. Luong	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 and 15 February 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).


Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


Vinh T. Luong
Primary Examiner

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/6/05, 10/24/05, 8/17/05</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Attachments 1 and 2</u> . |

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1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 3682.
2. The preliminary amendment filed on October 6, 2004 has been entered.
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the abstract uses the implied phrase "[t]he present invention" and the legal phraseology "means" and "said." Correction is required. See MPEP § 608.01(b).

5. The Information Disclosure Statements (IDS) filed on May 5, 2005; August 17, 2005; and October 24, 2005 have been considered. The Examiner drew a line through the note "see IDS" in the Translation column of the IDS filed on August 17, 2005 because Applicant did not submit the full text translation.

6. The drawings were received on October 6, 2004. These drawings are unacceptable by the Examiner because the amendments to the drawings are not in compliance with:

(a) 37 CFR 1.121(d). For example, Applicant's replacement sheet does not have the label "Replacement Sheet" required by 37 CFR 1.121(d); and

(b) 37 CFR 1.84. For example, the reference character 52 in FIG. 2 lacks a lead

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line. See 37 CFR 1.84(q).

7. The drawings are objected to because the original drawings are not in compliance with 37 CFR 1.84. See examples below:

(a) The reference character 52 in FIG. 2 lacks a lead line. See 37 CFR 1.84(q).

(b) The view numbers must be preceded by the abbreviation "FIG." and must be larger than the numbers used for reference characters. See 37 CFR 1.84(u);

(c) The drawings are not consistent with the written disclosure. For example, page 6 of the specification describes two different pedals 20, however, FIG. 1 has only one reference character 20 that indicates one pedal as seen in FIG. 1. See 37 CFR 1.84(p)(4);

(d) Each part of the invention, such as, the ribs or webs on page 10 of the specification and the spring in claim 13 should be designated by a referential character;

(e) The shading in FIGS. 1-3 should be deleted since it does not aid in understanding of the invention and it does reduce legibility. 37 CFR 1.84(m); and

(f) Each view must be labeled separately. For example, FIG. 2A and FIG. 2B. See 37 CFR 1.84(h)(2).

Applicant is respectfully urged to follow examples of patent drawings in the Guide for the Preparation of Patent Drawings available from the USPTO website www.uspto.gov. See MPEP 608.02.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

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should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

8. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of the objections above. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

9. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed feature(s) such as the spring in claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

10. The disclosure is objected to because of the following informalities: the disclosure has typographical or grammatical errors, e.g., the recitation “several pedal axis’30” in lines 6 and 7 on page 7 of the specification should have been changed to “several pedal axes 30” and “Short

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description of the accompanying drawing” on page 5 should have been changed to “Brief description of the accompanying drawing.” Appropriate correction is required.

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claims 8-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 8 recites “a pedal (20) *rotatably mounted* by means of a pedal axis (30).” (Referential character and emphasis added). However, FIG. 1 shows that the pedal 20 is oriented in parallel with the axis 30. In other words, the pedal 20 is spaced apart from the axis 30 as seen in FIG. 1. It is unclear as to how the pedal 20 is rotatably mounted by the axis 30 when the pedal 20 and the axis 30 are parallel or spaced apart from each other as seen in FIG. 1.

Claim 13 recites “a spring coupled to the lateral walls.” However, the drawings do not show the spring. It is unclear as to how Applicant’s spring is structurally interconnected with the lateral walls 52 as claimed.

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

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14. Claims 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation “a pedal (20) *rotatably mounted* by means of a pedal axis (30)” (referential character and emphasis added) in claim 8 is inaccurate and/or misdescriptive because FIG. 1 shows that the pedal 20 and the axis 30 are spaced apart from each other.

The terms such as “expandable” and “movable” in claim 8 are vague and indefinite in the sense that things, which may be done, are not required to be done. For example, the slot 50 is expandable, *but is not structurally required to be* expanded. See “discordable” in *Mathis v. Hydro Air Industries*, 1 USPQ2d 1513, 1527 (D.C. Calif. 1986), “crimpable” in *Application of Collier*, 158 USPQ 266 (CCPA 1968), “removable” in *In re Burke Inc.*, 22 USPQ2d 1368, 1372 (D.C. Calif. 1992), and “comparable” in *Ex parte Anderson*, 21 USPQ2d 1241, 1249 (BPAI 1992).

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 8-12 and 14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ananthasivan et al. (EP 0 997 361 B1 published on May 3, 200 and cited by Applicant from the International Search Report of Applicant’s corresponding PCT Application).

Regarding claim 8, Ananthasivan teaches a pedal security system for pedal mounting, particularly in motor vehicles, comprising:

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a pedal 20 rotatably mounted by means of a pedal axis 32 (FIGS. 2 and 3);

an opening 44 for receiving and retaining the pedal axis 32; and

an expandable slot 38 connected to the opening 44 and defining longer sides 46 (*id.* Paragraph [0013], see Attachment 1), the expandable slot 38 comprising movable lateral walls 36 along slot longer sides 46, the movable lateral walls 36 having a first position (FIG. 6) in which the lateral walls 36 project into the expandable slot 38 and a second position (FIG. 5) in which the lateral walls 36 are moved out of the expandable slot 38, wherein the pedal axis 32 engages the movable lateral walls 36 and moves the lateral walls 36 from the first position (FIG. 6) to the second position (FIG. 5) by exceeding a mechanical limit loading of the pedal axis 32, whereby the expandable slot 38 receives the pedal axis 32. *Ibid.* claims 1-19.

Regarding claim 9, a pushing element 64 cooperates with the pedal axis 32 to transmit a load to the pedal axis 32, thereby forcing the pedal axis 32 into the expandable slot 38 when the load exceeds the mechanical limit loading of the pedal axis 32.

Regarding claim 10, the expandable slot 38 defines a predetermined displacement path of the pedal axis 32.

Regarding claim 11, the expandable slot 38 is formed by an elongated hole (FIGS. 2-6) which is partly closed by the moveable lateral walls 36 projecting therein.

Regarding claim 12, the moveable lateral walls 36 are bent, dismounted, or pushed away from the expandable slot 38 in response to the mechanical limit loading by the pedal axis 32.

Regarding claim 14, said opening 44 for receiving the pedal axis 32 and said expandable slot 38 are arranged in a pedal block 16.

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17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

18. Claims 8 and 10-13, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Mueller et al. (US Patent No. 6,786,109 B2 filed on May 10, 2001).

Regarding claim 8, Mueller teaches a pedal security system for pedal mounting, particularly in motor vehicles, comprising:

a pedal 2 rotatably mounted by means of a pedal axis 6;

an opening 8 for receiving and retaining the pedal axis 6; and

an expandable slot 9 connected to the opening 8 and defining longer sides 9, the expandable slot 9 comprising movable lateral walls (unnumbered, see Attachment 2 hereinafter "Att. 2") along slot longer sides 9, the movable lateral walls (Att. 2) having a first position in which the lateral walls (Att. 2) project into the expandable slot 9 and a second position in which the lateral walls (Att. 2) are moved out of the expandable slot 9, wherein the pedal axis 6 engages the movable lateral walls (Att. 2) and moves the lateral walls (Att. 2) from the first position to the second position by exceeding a mechanical limit loading of the pedal axis 6, whereby the expandable slot 9 receives the pedal axis 6. *Ibid.* Claims 1-16.

Regarding claim 10, the expandable slot 9 defines a predetermined displacement path of the pedal axis 6.

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Regarding claim 11, the expandable slot 9 is formed by an elongated hole (FIGS. 1-5), which is partly closed by the moveable lateral walls (Att. 2) projecting therein.

Regarding claim 12, the moveable lateral walls (Att. 2) are bent, dismounted, or pushed away from the expandable slot 9 in response to the mechanical limit loading by the pedal axis 6.

Regarding claim 13, a spring 12 is coupled operatively to the lateral walls (Att. 2), wherein the moveable lateral walls (Att. 2) are pushed by said pedal axis 6 against the load of the spring 12.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Matsumoto et al. (slot 73 in FIG. 3) and Endo et al. (slot 70).

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

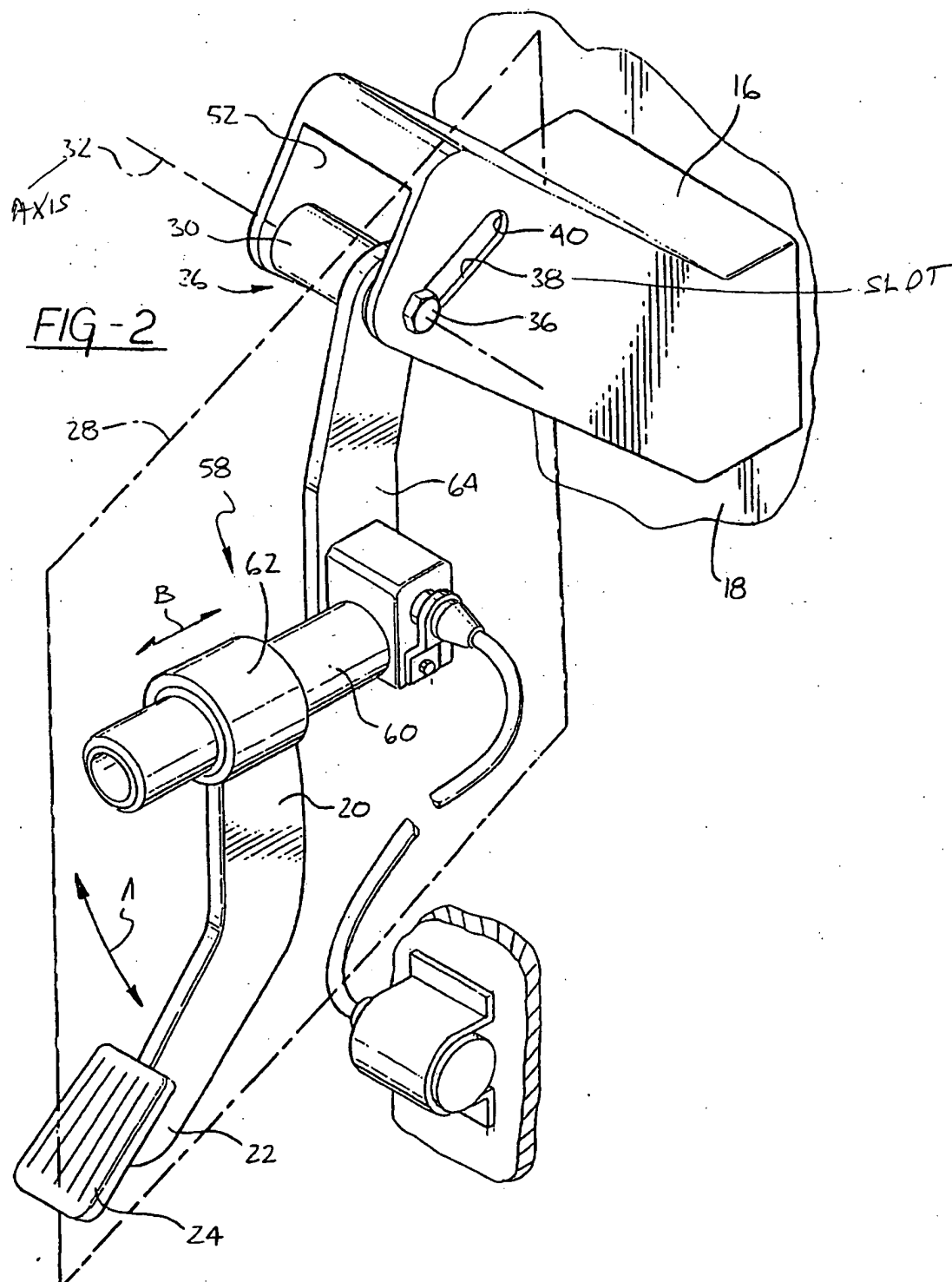
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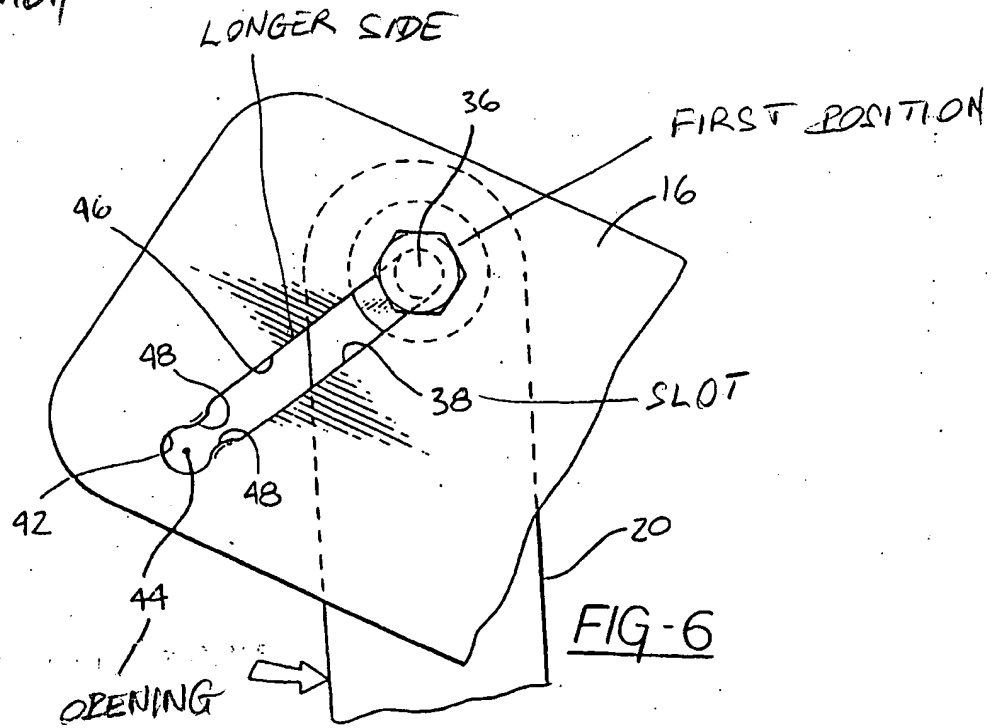
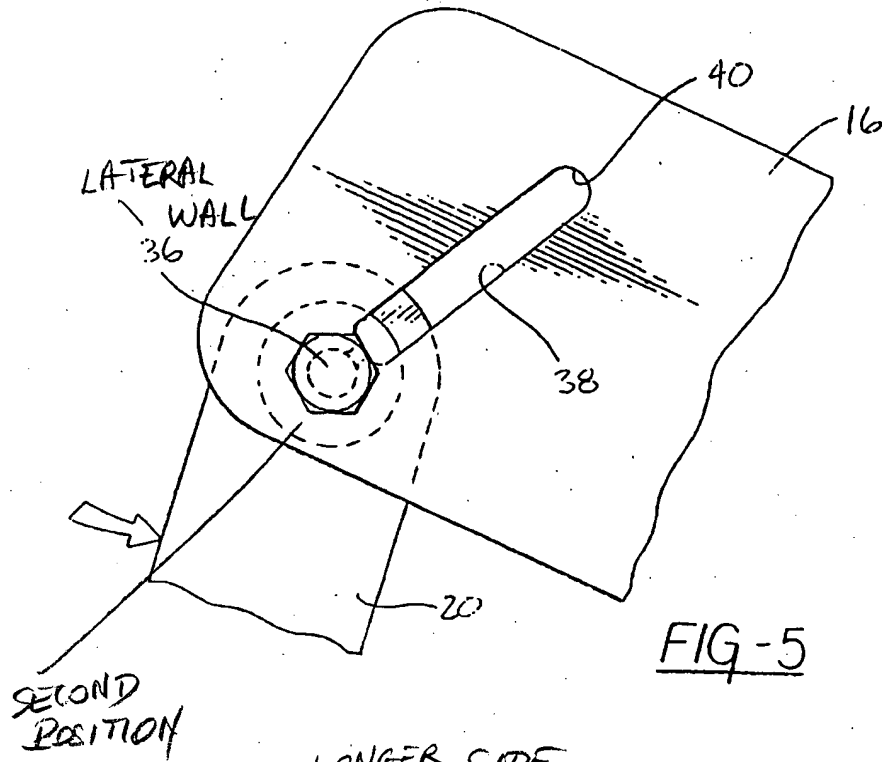
March 29, 2007



Vinh T. Luong
Primary Examiner

ATTACHMENT 1





ATTACHMENT 2

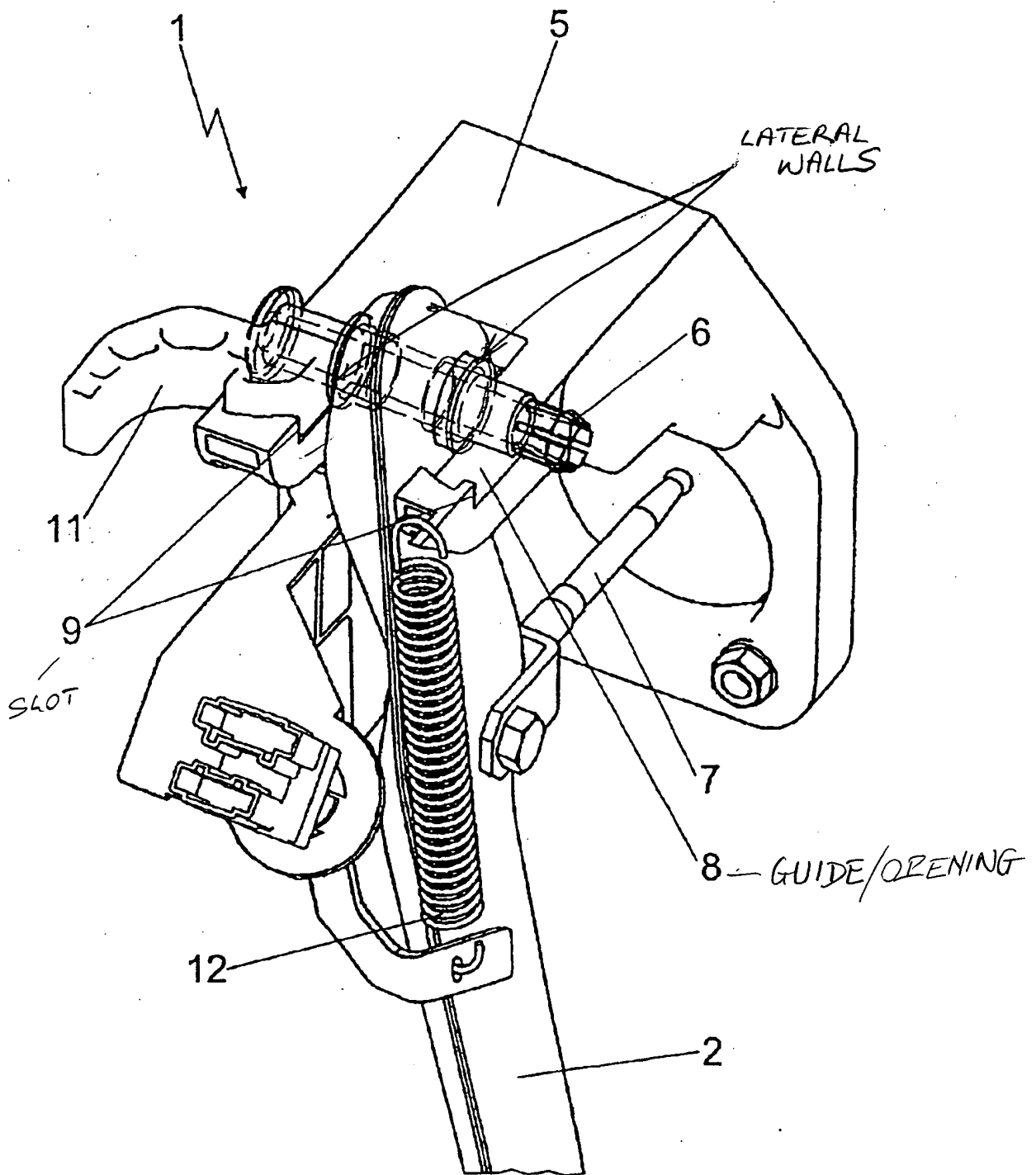


Fig. 2